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September 14, 2022

VIA ECF

Hon. Ona T. Wang
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Garmashov v. United States Parachute Association, Inc.
Case No.: 1:21-cv-04917-JGK-OTW

Dear Mag. Judge Wang:

After conferring with Plaintiff's counsel, we file the within Joint Discovery Letter in accordance with Your Honor's Order issued on August 24, 2022. (See ECF Doc. No. 53).

On August 24, 2022, a Defense only telephone conference was held with Your Honor which was attended by the Executive Director of the USPA, Albert Berchtold and our office. After the Conference, Your Honor directed that Plaintiff and his counsel appear for a Plaintiff's only settlement conference which is currently scheduled to be held on October 12, 2022. (See ECF Doc. No. 58).

Plaintiff filed a Motion to Enforce a Settlement Agreement on May 20, 2022. (See ECF Doc. No. 36). Defendant, the USPA, opposed the Motion on May 31, 2022. (See ECF Doc. No. 39). The Court has not yet ruled on that motion.

On February 25, 2022, Judge Koeltl issued an order (See ECF Doc. No. 28). The Court Ordered that all discovery be concluded by October 28, 2022. Depositions were ordered to be complete by September 15, 2022.

Both parties are cognizant of the fact that settlement discussions are ongoing and discussions are being aided and facilitated by Your Honor.

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In terms of discovery, to protect our client the USPA, on September 6, 2022, on behalf of the Defendant, the USPA, we served a document demand and a notice of deposition. (See ECF 56 and 57). Plaintiff has not yet responded to the document demand and, with respect to the deposition, Plaintiff has indicated it has been proceeding under the presumption that discovery is stayed.

Plaintiff has not served discovery demands.

On behalf of the USPA, we contend that discovery has not been stayed by Court order, however settlement discussions are proceeding.

Plaintiff's counsel wishes this Court to issue an Order staying discovery until the motion to enforce the settlement agreement is decided.

On behalf of the USPA, we cannot consent to an Order staying discovery until the motion to enforce is adjudicated, but we are willing to agree to a stay, if the Court is agreeable, until October 28, 2022, just over two weeks after the Plaintiff's only settlement conference date of October 13, 2022, and, if the case is not settled, we can set a schedule for remaining discovery to be completed at that time.

We ask that Your Honor please advise what the Court requires at this time. Thank you.

Very truly yours,

/s/ *Kenneth A. McLellan*

Kenneth A. McLellan

cc: *VIA ECF*

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